

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

John S. Stritzinger,

PLAINTIFF

v.

Bank of America; Vernon MC Wright;
Charles Holliday; Brian Moynihan; United
States of America; and Walter Massey,

DEFENDANTS

Case No. 3:15-cv-1469-TLW

Order

Plaintiff John S. Stritzinger, proceeding *pro se*, filed this action under 42 U.S.C. § 1983, alleging a violation of his civil rights. (ECF Nos. 1 & 15.) The matter now comes before the Court for review of the Report and Recommendation (R&R) filed on June 30, 2015 by Magistrate Judge Gossett, to whom this case was assigned. (ECF No. 31.) In the R&R, the magistrate judge recommends that Plaintiff's Amended Complaint should be summarily dismissed without prejudice and without issuance of service of process. Plaintiff filed objections to the R&R on July 30, 2015. (ECF Nos. 33 & 34.) This matter is now ripe for decision.

In reviewing the R&R, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Hous. Auth. of City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations

omitted).

In light of the standard set forth in *Wallace*, the Court has reviewed, *de novo*, the R&R and the objections. After careful review of the R&R and the objections, for the reasons stated by the magistrate judge, the R&R is **ACCEPTED**. Plaintiff's objections are **OVERRULED**. Plaintiff's Amended Complaint is hereby **DISMISSED** without prejudice and without issuance of service of process.

Additionally, after the R&R was filed, Plaintiff filed multiple documents that purport to be motions for leave to add additional parties and motions to seal (ECF Nos. 33 & 34), and additionally filed a document captioned "Emergency Motion to Appoint Lead Counsel" (ECF No. 35). Having carefully considered these filings, these motions are **DENIED** as being without sufficient legal merit. *See United States v. Patel*, 879 F.2d 292, 295 (7th Cir. 1989) ("When issues patently lack merit, the reviewing court is not obliged to devote scarce judicial resources to a written discussion of them.").

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Chief United States District Judge

December 3, 2015
Columbia, South Carolina